

MONTANA LEGISLATIVE HISTORY

Chapter 650 19 83

Bill H 785 S _____

Original bill & history ☒ C

H. Committee on Appropriations

Hearing Date(s) 3-24 _____ C

3-27 _____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Finance & Claims

Hearing Date(s) 4-9 _____ C

4-13 _____ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

REPORT: 02/21/83, DO PASS, AS AMENDED
2ND READING: 02/22/83, DO PASS AYES: 61; NAYS: 26
3RD READING: 02/23/83, DO PASS AYES: 80; NAYS: 18

TRANSMITTED TO SENATE: 02/23/83
REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY: 3/1/83
HEARING: 3/16/83
DIED IN SENATE COMMITTEE

HB 783 -- ADDY -- TO PROMOTE FREE AND OPEN COMPETITION AND TO PRESERVE THE FREE ENTERPRISE MARKET SYSTEM FOR THE PROTECTION OF MONTANA BUSINESSES AND CONSUMERS BY PROHIBITING MONOPOLISTIC AND RELATED PRACTICES AND COMBINATIONS AND CONSPIRACIES IN RESTRAINT OF TRADE; PROVIDING A METHOD OF ENFORCEMENT AND PENALTIES; AMENDING
BY REQUEST OF: THE DEPARTMENT OF JUSTICE

INTRODUCED: 02/14/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/14/83
HEARING: 2/17/83
DIED IN COMMITTEE

HB 784 -- VINGER -- TO PROVIDE FOR 3 CONSECUTIVE DAYS OF NURSING HOME PAYMENTS FOR NURSING HOME PATIENTS WHO ARE HOSPITALIZED; AND TO PROVIDE THAT THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES MAY BY RULE ESTABLISH THE AGGREGATE NUMBER OF DAYS A YEAR THAT PAYMENTS MAY BE MADE FOR A PATIENT.

INTRODUCED: 02/14/83
REFERRED TO COMMITTEE ON HUMAN SERVICES: 02/14/83
HEARING: 2/17/83
DIED IN COMMITTEE

HB 785 -- D. BROWN, ADDY, HARPER, ET AL. -- TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CONTRACT FOR ESTABLISHMENT OF THE MONTANA NATURAL HERITAGE PROGRAM; TO PROVIDE FOR COLLECTION AND USE OF NATURAL RESOURCE DATA; TO PROVIDE AN APPROPRIATION FOR THE CONTRACT TO ESTABLISH THE PROGRAM; TO PROVIDE FUNDING FOR THE PROGRAM; AMENDING

INTRODUCED: 02/14/83
REFERRED TO COMMITTEE ON APPROPRIATIONS: 02/14/83
HEARING: 3/24/83
REPORT: 03/28/83, DO PASS, AS AMENDED
2ND READING: 03/28/83, DO PASS, AS AMENDED AYES: 71; NAYS: 22
3RD READING: 03/28/83, DO PASS AYES: 73; NAYS: 22

TRANSMITTED TO SENATE: 3/28/83
REFERRED TO COMMITTEE ON FINANCE & CLAIMS: 4/5/83
HEARING: 4/9/83
REPORT: 4/13/83, BE CONCURRED IN
2ND READING: 04/14/83 AYES: 50; NAYS: 0
3RD READING: 04/15/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 4/15/83

TRANSMITTED TO GOVERNOR: 04/20/83
SIGNED: 4/27/83, CHAPTER 650

HB 786 -- D. BROWN, WINSLOW, ADDY, ET AL. -- CREATING A PUBLICATION TO LIST ALL CONTRACTS TO BE LET BY THE STATE AND PROVIDING FOR PAYMENT OF THE COSTS OF PUBLICATION

HOUSE BILL NO. 785

INTRODUCED BY D. BROWN, ADDY, HARPER, KEMMIS, ECK,
FULLER, IVERSON, SPAETH, MARKS, TURNAGE, BERTELSEN

IN THE HOUSE

February 14, 1983

Introduced and referred to
Committee on Appropriations.

March 28, 1983

Committee recommend bill do
pass as amended. Report
adopted.

Bill printed and placed on
members' desks.

Second reading, do pass as
amended.

Third reading, passed.
Transmitted to Senate.

IN THE SENATE

April 5, 1983

Introduced and referred to
Committee on Finance and
Claims.

April 13, 1983

Committee recommend bill be
concurrent in. Report
adopted.

April 14, 1983

Second reading, concurred in.

April 15, 1983

Third reading, concurred in.
Ayes, 48; Noes, 0.

IN THE HOUSE

April 15, 1983

Returned to House.

April 16, 1983

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *785*
2 INTRODUCED BY *Don Brown* *Ally Hays* *Kenneth*
3 *Eck, Fuller* *Jensen* *Spach* *Marks* *Tunney*
4 *Bertelsen*
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
6 DEPARTMENT OF ADMINISTRATION TO CONTRACT FOR ESTABLISHMENT
7 OF THE MONTANA NATURAL HERITAGE PROGRAM; TO PROVIDE FOR
8 COLLECTION AND USE OF NATURAL RESOURCE DATA; TO PROVIDE AN
9 APPROPRIATION FOR THE CONTRACT TO ESTABLISH THE PROGRAM; TO
10 PROVIDE FUNDING FOR THE PROGRAM; AMENDING SECTIONS 15-1-501,
11 15-32-107, AND 15-51-103, MCA; AND PROVIDING AN EFFECTIVE
12 DATE."

13 WHEREAS, various departments of state government,
14 including the Departments of Natural Resources and
15 Conservation; Fish, Wildlife, and Parks; State Lands; Health
16 and Environmental Sciences; and Agriculture and various
17 branches of the university system independently collect
18 natural resource information for different purposes, using
19 manual and automated methods; and

20 WHEREAS, although ideally there should be an integrated
21 natural resource information system, such a sophisticated
22 system would be extremely costly because of the unique and
23 distinctly different requirements of each department; and

24 WHEREAS, efforts should be made to expedite the
25 development of separate but compatible systems and to

1 catalog this data and make it available for department and
2 statewide use; and

3 WHEREAS, a natural heritage program begins by
4 developing a classification system to conceptually organize
5 the elements of natural diversity in the state, and this
6 classification serves as a framework for categorizing
7 natural landscape information to facilitate comparison of
8 similar elements and recognize dissimilar elements; and

9 WHEREAS, 33 states have already developed programs to
10 collect and manage information on their natural heritage,
11 and the methods used by those state programs are available
12 to Montana; and

13 WHEREAS, the classification system embodied in the
14 natural heritage program should be a working one that
15 retains the flexibility to be changed as need dictates so
16 that new categories may be added or preexisting categories
17 subdivided and, within classes, elements may be added or
18 deleted as new information becomes available; and

19 WHEREAS, a natural heritage program is needed to
20 eliminate costly duplication and enhance the efficiency of
21 natural resource data collection and to provide a valuable
22 source of that information for state government, industry,
23 and other groups.

24 THEREFORE, the State of Montana, as a first step in
25 developing a natural resource information system establishes

a Montana Natural Heritage Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW_SECTION. Section 1. Establishment of a Montana natural heritage program. The department of administration shall contract for a period of 2 years for the establishment of the Montana natural heritage program. This program is intended to be the first component of an integrated and comprehensive natural resource data collection, storage, and retrieval system and to be compatible with similar programs in other states. At the end of the 2-year contract, the department shall assume full responsibility for the maintenance and enhancement of the program.

NEW_SECTION. Section 2. Natural resource information system -- development. A steering committee composed of representatives of the departments of natural resources and conservation; fish, wildlife, and parks; state lands; health and environmental sciences; and agriculture and of the university system shall advise the department of administration on development and administration of a comprehensive natural resource information system. The steering committee must be coordinated by the office of the governor.

NEW_SECTION. Section 3. Departments to submit data.
(1) The department of administration, in consultation with

the steering committee established in [section 2], shall establish criteria for the categories and types of natural resource data to be included in and added to the natural resource information system and the Montana natural heritage program.

(2) The departments of natural resources and conservation; fish, wildlife, and parks; state lands; health and environmental sciences; and agriculture and appropriate units of the university system shall submit relevant natural resource data as required under subsection (1) to the department of administration for inclusion in the Montana natural heritage program and in other components of the natural resource information system.

NEW_SECTION. Section 4. Availability of information.
(1) The department of administration shall make the information from the natural heritage program available to agencies of state government and interested organizations and individuals.

(2) The department shall establish and periodically revise a system of user fees to cover the costs of responding to requests for information.

NEW_SECTION. Section 5. Funding. (1) The administrative and operating expenses necessary to develop and maintain the Montana natural heritage program must be paid from the revenues derived from the electric energy

1 producers' license tax established in 15-51-101 to the
2 natural resource information system account.

3 (2) The department of administration may receive
4 grants or other funds from private and public sources for
5 the purposes of [sections 1 through 5].

6 Section 6. Section 15-1-501, MCA, is amended to read:

7 "15-1-501. Disposition of moneys from certain
8 designated license and other taxes. (1) The state treasurer
9 shall deposit to the credit of the state general fund all
10 moneys received by him from the collection of:

11 (a) automobile driver's license fees under subsections
12 (1) through (6) of 61-5-111;

13 (b) ~~all funds derived from the electric energy~~
14 ~~producer's producers' license taxes under chapter 51 that~~
15 ~~remain after allocation under 15-51-103 for the purposes~~
16 ~~provided in [sections 1 through 5];~~

17 (c) metalliferous mines license taxes under chapter
18 37;

19 (d) oil and gas severance taxes allocated to the
20 general fund under chapter 36;

21 (e) liquor license taxes under Title 16;

22 (f) telephone license taxes under chapter 53; and

23 (g) inheritance and estate taxes under Title 72,
24 chapter 16.

25 (2) Seventy-five percent of all moneys received from

1 the collection of income taxes under chapter 30 and
2 corporation license and income taxes under chapter 31,
3 except as provided in 15-31-702, shall be deposited in the
4 general fund subject to the prior pledge and appropriation
5 of such income tax and corporation license tax collections
6 for the payment of long-range building program bonds. The
7 remaining 25% of the proceeds of the corporation license
8 tax, excluding that allocated to the counties under
9 15-31-702, corporation income tax, and income tax shall be
10 deposited to the credit of the earmarked revenue fund for
11 state equalization aid to the public schools of Montana.

12 (3) The state treasurer shall also deposit to the
13 credit of the state general fund all moneys received by him
14 from the collection of license taxes, fees, and all net
15 revenues and receipts from all other sources under the
16 operation of the Montana Alcoholic Beverage Code."

17 Section 7. Section 15-32-107, MCA, is amended to read:

18 "15-32-107. Loans by utilities and financial
19 institutions -- tax credit for interest differential. (1) A
20 public utility providing electricity or natural gas may
21 install or pay for the installation of energy conservation
22 materials or recognized nonfossil forms of energy generation
23 systems in a dwelling. The utility may agree with the
24 occupant of the dwelling that the occupant shall reimburse
25 the utility for its expenditure in periodic installment

payments added to the occupant's regular bill for electricity or natural gas. The utility may charge interest not exceeding the equivalent of 7% per year on the declining balance of the sum advanced for the installation of energy conservation materials and recognized nonfossil forms of energy generation systems.

(2) A financial institution, as defined in 32-6-103, may offer and make loans at an interest rate not less than 2 percentage points below the discount rate on 90-day commercial paper in effect at the federal reserve bank in the ninth federal reserve district.

(3) A public utility or a financial institution lending money under this section may compute the difference between interest it actually receives on such transactions and the interest which would have been received at the prevailing average interest rate for home improvement loans, as prescribed in rules made by the public service commission. The utility may apply the difference so computed as a credit against its tax liability for the electrical energy producer's license tax under 15-51-101 or for the corporation license tax under chapter 31, part 1. The public service commission shall regulate rates in such a manner that a utility making loans under this section may not make a profit as the result of this section. The financial institution may apply the difference so computed

as a credit against its tax liability for the corporation license tax under chapter 31, part 1.

(4) A utility may not claim a tax credit under this section exceeding ~~the revenues deposited to the general fund under 15-51-103(1)(b) or~~ \$500,000 in any tax year, ~~whichever is less.~~ A financial institution may not claim a tax credit under this section exceeding \$2,000 in any tax year.

(5) The public service commission may make rules to implement this section as it shall apply to public utilities only."

Section 8. Section 15-51-103, MCA, is amended to read:

"15-51-103. Disposition of revenue -- interest on delinquency. ~~The department of revenue shall receipt therefor and promptly turn the same over to the state treasurer.~~ (1) Revenues from the license tax must be deposited as follows:

(a) 10%, but not more than \$200,000, to the earmarked revenue fund to the credit of a natural resource information system account for use by the department of administration for the purposes of [sections 1 through 5];

(b) the remainder to the general fund.

(2) Taxes not met on the due date shall become delinquent, and a penalty of 10% plus interest at the rate of 1% per month or fraction of a month computed on the total of tax and penalty shall be charged."

1 NEW_SECTION. Section 9. Appropriation. There is
2 appropriated from the natural resource information system
3 account in the earmarked revenue fund the amount of \$320,000
4 for the biennium ending June 30, 1985, to the department of
5 administration for the purpose of contracting for the
6 establishment of the Montana natural heritage program.
7 NEW_SECTION. Section 10. Effective date. This act is
8 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 430-83

FISCAL NOTE

Form BS-15

In compliance with a written request received February 16, 19 83, there is hereby submitted a Fiscal Note for House Bill 785 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

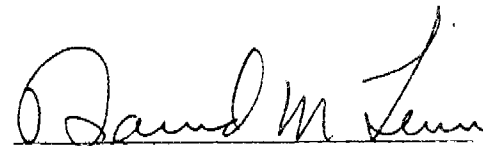
House Bill 785 requires the Department of Administration to contract for the establishment of the Montana Natural Heritage Program to provide a system for the collection and use of selected natural resource data.

ASSUMPTIONS:

- 1) In addition to the cost of the contracted services of \$320,000, additional costs have been identified which will be required to implement the project and process the data on the state's computer system.
 - a. 1.0 FTE will be required to act as program manager to administer the contract, to coordinate information needs of the departments, and to insure the system contracted for, is compatible with existing systems now operating on the state's computer system.
 - b. Operating costs will be incurred to store and process the natural resource data on the state's computer system.

FISCAL IMPACT:

Expenditures:	<u>FY84</u>	<u>FY85</u>	<u>Total Biennium</u>
Personal Services	\$ 30,500	\$ 30,500	\$ 61,000
Contracted Services	160,000	160,000	320,000
Other Operating Expenses	5,000	50,000	55,000
Participating Agencies' Expense	30,000	35,000	65,000
	<u>\$225,500</u>	<u>\$275,500</u>	<u>\$501,000</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-83

COMMENTS:

Continuing operational costs are estimated to be \$180,000 per biennium in the future. This is the first phase of an integrated natural resource information collection, storage and retrieval system and additional costs may be necessary to expand and enhance the system in the future.

FISCAL NOTE 15: Y/2

Minutes of the meeting of the Appropriations Committee
March 24, 1983

JIM KELLY, Montana Water Development Association and Montana Dairy Farmers' Association, reiterated previous testimony that this bill should not pass.

WILL BROOK, Montana Stockgrowers and Montana Woolgrowers, and the Association of State Grazing Districts, reiterated opposition from previous testimony and stressed that this water adjudication project is on the backs of the farmers and ranchers and he felt it should be a statewide issue.

STEVE MEYER, Montana Association of Conservation Districts, voiced his opposition and provided written testimony (Exhibit 8).

Representative CONNELLY voiced her opposition to this bill because she felt the state should stand by what they said in SB 76.

Representative TOM HAGER, House District #30, said he has served on the Water Adjudication Oversight Committee for four years. The reason for the \$480 limit was to "sell" this program to the people. The problem with that limit was the elimination of two major water users, the federal and state governments. He felt the state should pick up the difference because it has a lot to gain from continuation of this program to find out just how much water Montana has. There are bills in the legislature now to sell water and he felt we should find out how much water we have available to sell.

Discussion: None.

The hearing was closed to further testimony.

(Tape 8: Track 4:2334)

HOUSE BILL 785: A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CONTRACT FOR ESTABLISHMENT OF THE MONTANA NATURAL HERITAGE PROGRAM; TO PROVIDE FOR COLLECTION AND USE OF NATURAL RESOURCE DATA; TO PROVIDE AN APPROPRIATION FOR THE CONTRACT TO ESTABLISH THE PROGRAM; TO PROVIDE FUNDING FOR THE PROGRAM; AMENDING SECTIONS 15-1-501, 15-31-107, AND 15-51-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

Representative DAVE BROWN, House District #83, introduced this bill. This bill would set up a Heritage Program like 28 other states already have. The programs in other states have shown substantial savings to state and federal governments, and private industry. Essentially, this program would collect information from various state and federal agencies and from private corporations who have done extensive studies in Montana. This information would be compiled into the Heritage Program and could be easily retrieved for anyone needing the information. The bill provides for 80% state funding and a 20% match from the Nature Conservancy.

Proponents:

BOB KEISLING of the Nature Conservancy outlined what this program would do. The Heritage Program would compile all research and study data on

Minutes of the meeting of the Appropriations Committee
March 24, 1983

Montana's flora, fauna, and resources. This information would be easily retrievable, manageable, nicely organized, and cost effective for everyone who is a potential user. The Governor's Council on Management recommended this kind of a program. The cost savings would far outweigh the initial cost.

TOM STAPLES, Montana Trade Commission, said the commission highly supports this program and encourages its funding. It would save industry a good deal of money as well as saving the state time costs from an administrative standpoint.

LARRY WEINBERG, Montana University System, said the System strongly supports the concept of this bill. They did, however, have some concern for the language and developed a proposed rewrite (Exhibit 9).

SUSAN COTTINGHAM, director of the Montana Environmental Information Center, voiced strong support for this bill because it eliminates duplication of information and study.

BOB KIESLING voiced the support of Gene Phillips of Pacific Power and Light who could not be at the hearing today but authorized Mr. KIESLING to speak on behalf of the company.

Representative BARDANOUE asked Mr. KIESLING what he thought of the University System's proposed rewrite. Mr. KIESLING said the rewrite simply rearranges the order of things and, contrary to the original bill, this rewrite requires no new expenditures of agency or university money to supply data. He supports the rewrite and would prefer the rewrite over the original bill.

Opponents: None.

Discussion:

Representative BROWN said the agency funding in the original bill's fiscal note would not be necessary and the agencies involved said they could do the duties of this bill without additional funding.

The hearing was closed to further testimony.

HOUSE BILL 392: A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING INDIRECT COST REIMBURSEMENT OF RESEARCH GRANTS RECEIVED BY THE UNIVERSITY SYSTEM; AND PROVIDING AN EFFECTIVE DATE."

Representative DAVE BROWN, House District #83, introduced this bill. This bill would change the indirect cost allocation for the University System. Presently, 85% of the indirect cost estimate as appropriated to the university units as part of the enrollment driven formula. This bill would provide only 25% of that indirect cost estimate is appropriated and the 60% difference would have to be made up out of the General Fund to meet the enrollment driven formula.

Minutes of the meeting of the Appropriations Committee
March 27, 1983

(Tape 11: Track 1:2289)

HOUSE BILL 767:

Representative SHONTZ moved to amend HOUSE BILL 767 as follows:

Page 1, line 15:

Strike: line 15

Insert: (1) facilities with 13 beds or less \$50;

Page 1, lines 16 and 17

Strike: lines 16 and 17

Insert: (2) facilities with 14 beds or more at the rate
of \$3.55 per bed.

The chairman requested a roll call vote. The motion PASSED with 11 members approving the motion and 6 members opposing.

Representative SHONTZ moved that HOUSE BILL 767 do pass as amended.

The Chairman requested a roll call vote. The motion PASSED with 10 members approving the motion and 7 members opposing.

There was a lot of discussion regarding this bill and the fact that it generates revenue.

HOUSE BILL 785:

Representative DAVE BROWN presented proposed amendments to this bill (Exhibit 20). There was some discussion on the amendments.

Representative SHONTZ moved to accept the amendments as outlined on Exhibit 20.

The motion passed UNANIMOUSLY.

Representative SHONTZ moved that HOUSE BILL 785 do pass as amended.

The Chairman requested a roll call vote. The motion passed with 15 members approving the motion and 2 opposing.

HOUSE BILL 793:

Representative WALDRON moved that HOUSE BILL 793 do pass.

Representative STOBIE made a substitute motion that HOUSE BILL 793 do not pass.

There was a lot of discussion regarding this bill.

The Chairman requested a roll call vote. The substitute motion FAILED with 7 members approving the motion and 10 members opposing.

The roll call vote was reversed. HOUSE BILL 793 do pass.

HOUSE BILL 800:

Representative LORY moved that HOUSE BILL 800 do not pass.

The Chairman requested a roll call vote. The motion PASSED with 12 members approving the motion and 5 members opposing.

Proposed Amendments to

EXHIBIT 20
March 27, 1983
Bill Committee
DB #5

1. Title, lines 4 through 11.

Following: "An Act"

Strike: lines 4 through 11 in their entirety

Insert: "TO ESTABLISH A PLANNING FRAMEWORK FOR THE DEVELOPMENT OF A NATURAL RESOURCE INFORMATION SYSTEM AND TO ESTABLISH AN ONGOING MONTANA NATURAL HERITAGE PROGRAM; AND PROVIDING AND APPROPRIATION."

2. Pages 1 through 9.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Purpose: It is the purpose of [sections 1 through 9] to establish a planning framework for the development of a natural resource information system and to establish an ongoing Montana natural heritage program.

Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Committee" means the natural resources data system advisory committee created by [section 3].

(2) "Department" means the department of administration created by 2-15-1001.

(3) "Natural heritage program" means a program of information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of Montana.

(4) "Principal data source agencies" means any one of the following state agencies: the department of natural resources and conservation, the department of fish, wildlife, and parks, the department of state lands, the department of health and environmental sciences, the department of agriculture, the department of highways, the state historical society, and the Montana university system.

Section 3. Natural resources data system advisory committee. (1) There is a natural resources data system advisory committee consisting of an employee of the environmental quality council and of each principal data source agency appointed by the head of the respective state agencies, and by the board of regents of higher education for the Montana university system.

(2) The committee shall examine the following matters and make recommendations to the department head concerning:

(a) criteria for the categories and types of data to be collected for a natural resources information system;

(b) criteria for the format of data collection;

(c) identification of existing sources of relevant data in the public sector;

(d) identification of data acquisition, storage, and retrieval methodologies that are economical and efficient, and that minimize or eliminate the duplication of data bases; and that utilize computer networking;

(e) probable costs to agencies furnishing required data and probable costs of managing the data;

(f) probable benefits to be realized by the establishment of a natural resource information system;

(g) operation of the Montana natural heritage program; and

(h) other items the committee considers of importance to the establishment of a natural resources information system.

(3) The department shall provide staff support to the committee, within the limits of the department's available resources.

(4) Committee members while engaged in committee business are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. These expenses shall be borne by the agency employing the member. Each member serves at the pleasure of the respective appointing authority. The committee shall establish its own format for the conduct of meetings.

Section 4. Natural resource information system. (1) The department, in consultation with the committee, shall establish a planning framework for the implementation of a natural resources information system. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

(2) The department shall give attention to the factors listed in subsection (2) of [section 3] and shall prepare any legislation necessary to implement the system.

(3) It is not intended that the system shall require field work or literature searches to produce data. The system is intended to facilitate the management of data collected by state agencies in the normal course of their operations.

Section 5. Natural heritage program. (1) There is a Montana natural heritage program to be operated by the department. In order to establish the program, the department may contract with an independent contractor for a period not to exceed two years.

(2) The Montana natural heritage program to be operated by the department. In order to establish the program, the department may contract with an independent contractor for a period not to exceed two years.

(2) The Montana natural heritage program shall be designed to be compatible with similar programs in other states. This program is to be an initial step in the formulation of the comprehensive natural resource information system referred to in [section 4] and is to be considered a part of the system.

Section 6. Interagency cooperation. (1) State agencies shall cooperate with the department and the committee in the planning of the natural resource information system.

(2) Within the limits of available resources, state agencies shall provide data requested by the department for purposes of the Montana natural heritage program. If an agency does not possess requested data or is unable to locate requested data, the agency shall inform the department. It is not necessary for an agency to conduct field work or literature searches to obtain requested data.

Section 7. Availability of information. (1) Except as provided in subsection (3), the department shall make information from the natural resources information system available to local, state, and federal agencies and to the general public.

(2) The department may establish a fee system for information requests in order to cover the costs of providing requested information.

(3) If necessary, the department shall establish procedures to protect confidential information in the possession of state agencies.

Section 8. Environmental Quality Council to monitor activities of department and committee. The environmental quality council shall monitor and evaluate the activities of the department and the committee under [sections 1 through 7] and shall report its findings and recommendations to the legislature by November 1, 1984.

Section 9. Appropriation and funding. (1) There is appropriated from the general fund the amount of \$10,000 for the biennium ending June 30, 1985, to the department of administration for the establishment of the Montana natural heritage program and for support services to the natural resources data system advisory committee.

(2) The department of administration may apply for and may receive funding from private and public sources for the purposes of [sections 1 through 8] and any such funds are appropriated to the department for such purposes."

Section 1. Purpose: It is the purpose of [sections _____ through _____] to establish a planning framework for the development of a natural resource information system and to establish an ongoing Montana natural heritage program.

Section 2. Definitions. As used in [sections _____ through _____], the following definitions apply:

(1) "Committee" means the natural resources data system advisory committee created by [section _____].

(2) "Department" means the department of administration created by 2-15-1001.

(3) "Natural heritage program" means a program of information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of Montana.

(4) "Principal data source agencies" means any one of the following state agencies: the department of natural resources and conservation, the department of fish, wildlife, and parks, the department of state lands, the department of health and environmental sciences, the department of agriculture, the department of highways, the state historical society, and the Montana university system.

Section 3. Natural resources data system advisory committee. (1) There is a natural resources data system advisory committee consisting of an employee of each principal data source agency appointed by the head of the respective state agencies, and by the board of regents of higher education for the Montana university system.

(2) The committee shall examine the following matters and make recommendations to the department head concerning:

(a) criteria for the categories and types of data to be collected for a natural resources information system;

(b) criteria for the format of data collection;

(c) identification of existing sources of relevant data in the public sector;

(d) identification of data acquisition, storage, and retrieval methodologies that are economical and efficient, and that minimize or eliminate the duplication of data bases; and that utilize computer networking;

(e) probable costs to agencies furnishing required data and probable costs of managing the data;

(f) probable benefits to be realized by the establishment of a natural resource information system;

(g) operation of the Montana natural heritage program; and

(h) other items the committee considers of importance to the establishment of a natural resources information system.

(3) The department shall provide staff support to the committee, within the limits of the department's available resources.

(4) Committee members while engaged in committee business are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. These expenses shall be borne by the agency employing the member. Each member serves at the pleasure of the respective appointing authority. The committee shall establish its own format for the conduct of meetings.

Section 4. Natural resource information system. (1)

The department, in consultation with the committee, shall establish a planning framework for the implementation of a natural resources information system. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

(2) The department shall give attention to the factors listed in subsection (2) of [section _____] and shall ~~pre-~~^{pre-}pare any legislation necessary to implement the system.

~~field~~ (3) It is not intended that the system shall require ~~field~~ work or literature searches to produce data. The system is intended to facilitate the management of data collected by state agencies in the normal course of their operations.

Section 5. Natural heritage program. (1) There is a Montana natural heritage program to be operated by the department. In order to establish the program, the department may contract with an independent contractor for a period not to exceed two years.

(2) The Montana natural heritage program ~~should~~^{shall} be designed to be compatible with similar programs in other states. This program is to be an initial step in the formulation of the comprehensive natural resource information system referred to in [section _____] and is to be considered a part of the system.

Section 6. Interagency cooperation. (1) State agencies shall cooperate with the department and the committee in the planning of the natural resource information system.

(2) Within the limits of available resources, state agencies shall provide data requested by the department for purposes of the Montana natural heritage program. If an agency does not possess requested data or is unable to locate requested data, the agency shall inform the department. It is not necessary for an agency to conduct field work or literature searches to obtain requested data.

Section 7. Availability of information. (1) Except as provided in subsection (3), the department shall make information from the natural resources information system available to local, state, and federal agencies and to the general public.

(2) The department may establish a fee system for information requests in order to cover the costs of providing requested information.

(3) If necessary, the department shall establish procedures to protect confidential information in the possession of state agencies.

Section 8. Amend 15-32-107.

Section 9. Amend 15-31-103.

Section 10. Appropriation and funding. (1) There is appropriated from the natural resource information system account in the earmarked revenue fund the amount of \$_____ for the biennium ending June 30, 1985, to the department of administration for the establishment of the Montana natural heritage program and for support services to the natural resources data system advisory committee.

(2) The department of administration may apply for and may receive funding from private and public sources for the purposes of [sections _____ through _____] and any such funds are appropriated to the department for such purposes.

SEN. KEATING: Who did the budget?

SEN. SMITH: We did it.

SEN. KEATING: 30% of a fund dropping to 8% of a funding?

REP. BROWN: I will leave some material with you on this for the use of the committee. (Attached, Exhibit #1).

SEN. HIMSL: Of the money going in this year, what will the source be?

REP. BROWN: Oil 74%, mineral 3% in 1981.

SEN. KEATING: Any coal tax money go into this fund?

REP. BROWN: Some. I am not sure how much. Some others on the balance.

SEN. KEATING: The fund is inviolate?

REP. BARDANOUVE: You can't spend it until it gets to a certain amount.

SEN. DOVER: This is correct. What was it about 1978 or 1979?

Answer: 1979 oil 50%, mineral 9%; in 1973, oil 56%, mineral 31%; in 1974, oil 59%, mineral 23%. It has come on down since 1979.

SEN. DOVER: You talked about the big payroll in 1973. What steps did they take to try to keep people on and keep the jobs?

REP. BROWN: No one thought it was as serious as it was.

SEN. KEATING: The companies have already posted bond. Is there a certain amount set aside for current expenses? What you are really looking at in this bill is old scars that were set aside before. Quite a bit of money from federal going into this. They just haven't been able to find new money.

SEN. SMITH: This is already built into the state lands money. That federal money is for coal mining, not for hard rock mining.

REP. BROWN: In closing, Article 9, paragraph 2 of the Constitution says the funds shall be used to improve the environment and rectify damage thereto. We were asked if we didn't know this would happen in Butte and Anaconda. It is a little like dying. Everyone knows it will happen sometime, but not when.

Sen. Himsl declared the hearing closed on HB 724.

CONSIDERATION OF HOUSE BILL NO. 785: Rep. Dave Brown, sponsor of the bill, HB 83, said this bill grants a Montana Natural Heritage Program. He passed out a letter from Ray Arnett, Assistant Secretary for Fish, Wildlife and Parks, attached as Exhibit #1, HB 785. Twenty-eight states, plus Tennessee Authority, are using this program. I moved an amendment on the floor which would establish a planning framework rather than to provide for the actual collection. This changes the

appropriation from \$10,000 to a mere \$500.

GENE PHILLIPS, Pacific Power and Light Company said he would urge concurrence in the bill.

DON REID, MEIC, said this might be a duplication of services. The EIS has always been done.

BOB KIESLING, The Nature Conservancy, showed a map of the studies that had been made and several pages of information. (Attached as Exhibit #2)

There were no further proponents, no opponents, and Sen. Himsl asked if there were questions from the committee.

SEN. DOVER: \$500 to get us into this and we could get into a cost of \$187,000 per biennium in the future. If viable, how do you intend to support it?

REP. BROWN: Page 5, line 5 - it says the committee, in essence, will tell us whether we can spend the money.

SEN. AKLESTAD: In the future, this data would be available for everyone?

REP. BROWN: That is basically the idea so that if you come in to put it into the computer, I can come in and pull it out to use it.

SEN. HIMSL: This is an information card system but why did you propose that it be cut to \$500? Why not others get it together?

REP. BROWN: Job shown only to the agencies but also to the Health Department and Fish and Game, etc. We thought later then we could have it put in the Department of Administration and it is presently a data carding.

MR. KIESLING: We are only asking them to coordinate information by carding the data and making it available to everyone. A member of each of the agencies to see who is carding what and in what format, etc.

SEN. HIMSL: A library program to show you where to get it.

SEN. SMITH: In 65 agencies, they said it is out of date on a yearly basis. They said before it was out of date. If you proposed it in 1975, they should have done it and it is high time you did it now.

SEN. KEATING: How would you proceed? Are you going to take a siding or go in a straight line or something?

SEN. KEATING: Did I miss something? There is support for this?

REP. BROWN: Yes, you were here.

SEN. VAN VALKENBURG: If this is funded from private funds in the

April 9, 1983

Page 5

biennium, do we need authority for budget amendments? I guess this is \$10,000 or less. It would be private funding from a nature conservatory, etc.

REP. BROWN: Yes, Point 8 money, the Department of Administration money applied for etc.

SEN. KEATING: If we did have all this baseline data on a computer, could we streamline the Facilities Siting Act a bit?

REP. BROWN: Some came over to the Natural Resources and listened to my bill. They could cut down on the duplication and over duplication in the Siting Act.

SEN. VAN VALKENBURG: Mr. Kiesling, your organization runs this system in other states now. You answered Sen. Keating's question - what effect has it had in other states that have something like this going as to law and cooperation between industry and environment, etc?

MR. KIESLING: We have simply divested the information, etc. It has had all the bugs worked out. We do not run it. The state adopts the program. As to how it works, Wyoming would be a good example. They have had the program for four years. They took data carding duties and listed 39 plants that were on the undefined species list. Black Butte Coal Mine, in the early states, the permit was going to be terminated because of the species. It was discovered the species was more abundant than they thought. Northern Tier was another. There were 804 information requests received from Northern Tier. There was an average cost of \$2,000 per data that saved the state of Washington about \$500,000 through the use of already gathered data.

SEN. SMITH: The state sees the beauty of the system. Who sees it?

REP. BROWN: The legislature.

Rep. Brown closed by saying he would urge the committee to support the bill. If passed, I will work hard to try to produce the private funding necessary to come back in two years and try to implement the system.

Sen. Hims1 declared the hearing closed on House Bill 785.

CONSIDERATION OF HOUSE BILL 898: Rep. Bardanouve said this is a fallout from the special session of 1982 when we passed a new level program which was not funded by the session but the Department of SRS was told the costs were unknown on account of the counties' program had changed. The Department was told to come back in 1983 and present a bill for a new revised level program. That is the bill. Section 2, line 5 - one year appropriation until June of 1983 at an estimated cost of \$4 million. We are not sure what that cost is or what the cost will be. Some of the counties have sent in claims that have not been qualified under the law. Some of these claims are being refuted and allowed, some disallowed. Also, a lawsuit in Missoula county, which claims, the suit says, the counties would be entitled to be reimbursed for certain expenses that the Department has not

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date

4/9/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Etchart, VC	✓		
Senator Dover	✓		
Senator Keating	✓		
Senator Smith	✓		
Senator Thomas			✓
Senator Van Valkenburg	✓		
Senator Stimatz	✓		
Senator Story			✓
Senator Ochsner	✓		
Senator Haffey	✓		
Senator Jacobson	✓		
Senator Regan	✓		
Senator Lane			✓
Senator Aklestad	✓		
Senator Hammond	✓		
Senator Tveit	✓		
Senator Boylan	✓		
Senator Hims1, Chairman	✓		

4/9/83

Finances & Claims

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
ENE PHILLIPS	PACIFIC POWER & LIGHT	HB 785	X	
WARD SHANAHAN	STILLWATER PGM	HB 724	X	
"	"	HB 260	AMEND	
Ed Bingler	Mt. Burr Mining & Gen	HB 724	X	
Tom Stagner	Butte Sch. Dist #1	HB 640	✓	
Dave Brown	Rep. Dist. 83 - sponsor	HB 785	✓	
Dave Brown	Rep. Dist. 83 - sponsor	HB 260	✓	
BOB KESLING	THE NATURE CONSERVANCY	HB 785	✓	
Dave Brown	Rep. Dist. 83	HB 724	✓	
Don Reed	MEIC	HB 724	✓	
Don Reed	"	HB 260	✓	
Don Reed	"	HB 785	✓	
Carol Ferguson	Mt. Hard Rock Mining Impact Board	HB 724		
Alec Hansen	LEAGUE OF CITIES	HB 724	✓	
Deborah Schmidt	EQC	HB 785	✓	
Dave Brown	Rep. Dist. 83	HB 640	✓	

(Please leave prepared statement with Secretary)

MARK 3 1982



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAR 2 1982

44
HB 785
4/9/83
Mr. William D. Blair, Jr.
President
The Nature Conservancy
1800 N. Kent Street
Suite 800
Arlington, Virginia 22209

Dear Mr. Blair:

I have become aware of the Natural Heritage programs being carried out by over half the State governments and the part your organization has played in helping them along. I understand that they have been extremely useful in collecting, organizing and making available some very carefully selected information on critically endangered species, habitats, natural communities, and other important ecological entities. This information, I have been told, has been put to very effective use by both private and public conservationists, resource managers, business and industry to enhance decision-making, more effectively allocate scarce resources, facilitate environmental reviews, and avoid unnecessary conflicts.

I want you to know that I have discussed these programs with Secretary Watt, FWS and NPS Directors and the Chairman of the Land Policy Group, and we feel these are good and useful undertakings. Their balanced objective scientific approach is perfectly consistent with the resource management philosophies of this Administration. The Secretary is urging those States with as yet unallocated Land and Water funds to consider using them to launch such programs and I will personally be encouraging the agencies of this Department to cooperate with them in whatever ways they can.

You and your organization are to be commended for your assistance to the State governments in this matter. This is the sort of private and public cooperation that we like to see.

Please let me know if I can be of any further assistance.

Sincerely,

A large, stylized handwritten signature of G. Ray Arnett is written over the word "Sincerely," and the typed name "G. Ray Arnett".
for G. Ray Arnett
Assistant Secretary for
Fish and Wildlife and Parks

Let 785 / 2

Material submitted for the record
in support of H.B. 785

H B 785
4/9/83

The Nature Conservancy

104 W. Broadway
P.O. Box 258
Helena, Montana 59624
(406) 443-0303



Bob Kiesling
Director
Big Sky Field Office

SEN. AKLESTAD: I can appreciate the situation they are in. I guess we have to look at the whole picture. The economy in other areas that have had a large drop in employment. There are 2,500 jobs lost in the oil areas. In other areas, people are in the same situation and need to be taken into our consideration also.

SEN. HIMSL: The people in Butte and Anaconda--they are a resilient people. Just a short time ago, you actually raised \$70,000 for a YMCA. They raised over \$100,000. They are people who are going to make it. Troy relies heavily on the timber industry that is shut down. Columbia Falls, 200 people--they will tough it out. I think the people of Butte will do it too. We have to look at this from a state-wide area.

SEN. JACOBSON: We are not coming in here for \$300,000 as a begging. We are only asking to get a little bit back of the money we have been paying into the General Fund for years. We are not asking you to come in and take care of our problems. We have people--one person in mind--and another school teacher that both were layed off. A tax base eroding by \$7 million in the next 2 years. Last time when Anaconda had their huge lay off, we gave them a little.

SEN. SMITH: I saw on television where they struck and got a healthy increase. They should have started it at a modest increase.

SEN. TVEIT: Senate Bill 94 will take a lot of money out of my district. I have people on selling equipment. Ten cents or so on the dollar.

QUESTION was called on the substitute motion, voted and lost.

QUESTION on original motion to Table, voted, passed. Senators Regan and Jacobson voting No.

DISPOSITION OF HOUSE BILL 785: Motion by Senator Dover Do Not Pass. This would have the DNR establish a heritage program.

SEN. VAN VALKENBURG: This is a program and was one the enviromentalists agreed on. A real potential for long-term savings to the state. I would hope if a matter of appropriation we take the \$500,000 out but that the advantage of the rare instances when these two get together and agree on something should be left.

SEN. KEATING: I would like to make a comment: The data, there is a great deal of base data in various files of the state lands and the DNR and if put on a computer, it would be more easily retrievable and useful to industry and siting purposes if they are requiring base line studies. The savings to them would be worth a fee. The sponsor of the bill stated they would set it up so that the users would pay the fees for the use of the material and it would charge them for using it. If they would do this, I would be in favor of paying the \$500,000 appropriation to get it started. It would have to be understood it was only done if private users pay the fee to have it done and it would be useful that way. I could not vote for it if state expenditures.

SEN. AKLESTAD: The problem with Sen. Keating's idea is the job will not be done in 2 years. Industry will decide not to participate and they will be back in to continue the program.

SEN. SMITH: Are we going to get all the departments of the state government, give them General Fund money and they will be obligated to collect and put into alternate process? I am wondering. This has not had support in the legislation.

SEN. HIMSL: I would refer you to the fiscal note. This appears to be one of the cases where merit in the idea but someone projects this would not be just a library file. They came in with two programs that had something different in mind.

SEN. VAN VALKENBURG: They backed off in the House and their potential savings involved that they would be identified. That is the problems of working it with private money from industry and enviromental groups. The Nature Conservationists will do it at our expense. I agree with Senator Aklestad. It takes a lot to get it started up. It should not blind us to tying with everything and we should not be afraid of a little change.

SEN. VAN VALKENBURG: I would move as a substitute motion that House Bill 785 Be Concurred In. Voted and passed with a roll call vote. Sen. Van Valkenburg to carry the bill.

DISPOSITION OF HOUSE BILL 400: This is the displaced homemaker bill. Motion by Senator Aklestad to Table the bill.

SEN. KEATING: There is no guarantee of a wash here. It is not earmarked funds. The \$25 assessment on a divorce application goes to the General Fund. No earmarking this appropriation is for a specific amount. There is a certain amount of risk here by a reduction of divorces. This is for more than just divorced persons. This includes anybody who has become eligible for various reasons for this transition program. It is a duplication for a small area that is not covered. There are federal programs and volunteer programs that will handle it.

SEN. REGAN: I will not advocate that we encourage the divorce rate to fund the bill. That is not the intention. The bill is fiscally sound. There is a track record as to numbers of divorces filed each year in the state. To attempt is to have a wash. We heard a great deal of testimony for having this bill. It may cost the state a great deal more for not having this program in place for someone without support. They do not know how to present themselves on the job market. This bill provides the means for them to receive the counseling, training, etc. We heard a lot of testimony from the pediatricians, from the people who deal with the program to the ones who are involved. For a person who falls between the cracks or outside the safety net, this program would pick them up. It is a program that is needed and will pay for itself and before you pass it, I would like to offer an amendment on page 8, line 15 the word "state" should be inserted following "in the". I would move the amendment.

SEN. HIMSL: Do you think this amendment is necessary?

STANDING COMMITTEE REPORT

.....April 13..... 19 33.....

MR.President.....

We, your committee onFinance and Claims.....

having had under considerationHouse..... Bill No. 735.....

D. Brown (Van Valkenburg)

Respectfully report as follows: That.....House..... Bill No. 785.....

~~DEPARK~~ BE CONCURRED IN

410

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 4-13Bill No. 785 Time 9:58

Name	YES	NO	ABSENT	EXCUSED
Senator Etchart, VC	✓			
Senator Dover		✓		
Senator Keating	✓			
Senator Smith		✓		
Senator Thomas	✓			
Senator Van Valkenburg	✓			
Senator Stimatz	✓			
Senator Story	✓			
Senator Ochsner		✓		
Senator Haffey	✓			
Senator Jacobson	✓			
Senator Regan	✓			
Senator Lane	✓			
Senator Aklestad		✓		
Senator Hammond		✓		
Senator Tveit		✓		
Senator Boylan	✓			
Senator Himsl, Chairman		✓		

Sylvia Kinsey
Secretary

Senator Himsl
Chairman

Motion:

Sub Mot
16